UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA,

CASE NO. 1:09-CR-231;1:10-CV-02231

Plaintiff,

:

vs. : OPINION & ORDER

: [Resolving Doc. No. <u>144</u>] TARA ARDITI.

TIMDIII,

:

Defendant.

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

In this drug conspiracy case, the mother of Defendant Tara Arditi files an unsigned motion objecting to the Court's judgment of December 6, 2010. [Doc. 144.] On December 6, 2010, the Court amended its earlier judgment and committed the Defendant to the Bureau of Prisons for a period of sixty months with a post-release period of incarceration of five years. [Doc. 141.] The current motion is largely identical to a prior motion filed by Defendant's mother on September 13, 2010, which was denied by the Court on December 13, 2010. [Doc. 125; Doc. 143.]

The Court denies the current motion on identical grounds. The Defendant's mother is not a proper party to this criminal case. Through her motion, Arditi's mother again attempts to intervene in the case on behalf of her daughter. However, Arditi's mother lacks standing to participate in this action. *See, e.g.*, *United States v. Curtis*, 205 F.3d 1342 (6th Cir. 2000) (non-party does not have standing to file challenges in criminal suit); *McClure v. Ashcroft*, 335 F.3d 404, 414 (5th Cir. 2003)

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Gwin, J.

(third parties do not have standing to file collateral attack on final criminal judgment); *United States*

v. Kelley, 997 F.2d 806, 807-08 (10th Cir. 1993) (victim has no standing to appeal denial of motion

to intervene in criminal proceeding). The Court also finds that the filing of this motion by her

mother constitutes improper unauthorized practice of law, since Arditi's mother is not admitted to

practice law before this Court and purports to be acting on behalf of her daughter. See, Cleveland

Bar Assn. v. McKissic, 832 N.E.2d 49, 51 (Ohio 2005) ("The unauthorized practice of law consists

of rendering legal services and includes the preparation of legal pleadings and other papers without

the supervision of an attorney licensed in Ohio"). Accordingly, since the Defendant's mother lacks

standing to participate in this criminal action, the Court denies her motion.

IT IS SO ORDERED.

Dated: February 2, 2011

James S. Gwin

JAMES S. GWIN

UNITED STATES DISTRICT JUDGE

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